



Jonathan Etra
T: 305.373.9400
Facsimile: 305.373.9443
jonathan.etra@nelsonmullins.com

ATTORNEYS AND COUNSELORS AT LAW

One Biscayne Tower
2 South Biscayne Blvd. | 21st Floor
Miami, FL 33131
T: 305.373.9400 F: 305.373.9443

nelsonmullins.com
* In Florida, known as Nelson Mullins Broad and Cassel

February 22, 2021

VIA ECF

The Honorable Jesse M. Furman
United States Magistrate Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

**Re: *Boyce v. Weber*, Case No. 1:19-cv-03825-JMF
Letter Motion to File Under Seal**

Dear Judge Furman:

Defendants respectfully seek permission from the Court to file portions of Defendants' Reply in Support of Defendants' Pretrial Motions and supporting documentation under seal. The requested sealed information relates to non-party witness, Sam Shahid's, prior sexual harassment lawsuit, information which may relate to FRE 412, and information relating to medical care and treatment. The Court previously ordered such information to be sealed on a temporary basis. *See* (Dkt. Nos. 151, 168).

At Mr. Shahid's deposition, Plaintiff's counsel agreed to seal and/or redact certain portions of Mr. Shahid's testimony, and that any use of Shahid's transcript in filings with the Court would also be sealed or redacted. It is Defendants' position, as it was at Mr. Shahid's deposition, that references to the alleged sexual assault involving Mr. Shahid—which is wholly unrelated to Plaintiff's allegations—are highly sensitive, subject to privacy concerns, inadmissible at trial, decades old, and only intended to shame him.

In addition to previously agreeing to seal and/or redact portions of Mr. Shahid's testimony, Plaintiff recently "expresse[d] no position about whether the Shahid Testimony should be sealed at this time, . . ." (Dkt. No. 161). Following a meet and confer, Plaintiff's counsel confirmed that their position on the Shahid testimony remains unchanged. Additionally, Plaintiff agrees that the information relating to FRE 412 and any medical care and treatment should be filed under seal and/or redacted.

Defendants thus respectfully request that the following materials in their Reply in Support of the Pretrial Motions be filed under seal and/or with redactions, including any references to:

The Honorable Jesse M. Furman
February 22, 2021
Page 2

- (1) Mr. Shahid's prior sexual harassment lawsuit;
- (2) Alleged FRE 412 evidence; and
- (3) Any medical care and treatment.

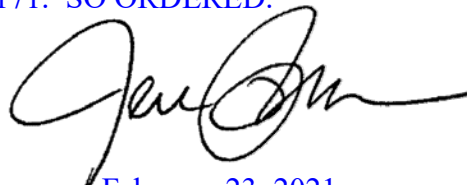
Per this Court's Electronic Filing Rules & Instructions, Counsel for Defendants will file the subject documents under temporary seal and relate them to this Reply in Support. Counsel for Defendants will also publicly file said materials with redactions.

Per this Court's Local Rules and the governing authority, *see e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), Defendants respectfully request this Court permit Defendants to file their Reply in Support of their Pretrial Motion redacted and with certain documents under seal.

Respectfully Submitted,

/s/ Jonathan Etra
Jonathan Etra. Esq.
Co-counsel for Defendants

The motion to seal is GRANTED temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 171. SO ORDERED.



February 23, 2021